

RESOLUTION

CITY OF WOODSTOCK ORDINANCE

This ordinance is an amendment to Chapter 66, of the City of Woodstock Code of Ordinances, known as PEDDLERS AND SOLICITORS, ARTICLE II, Sec. 66-39 - Charitable Solicitations from a Public Right-of-Way.

WHEREAS, the City of Woodstock (hereinafter sometimes referred to as the "City") is a municipality duly formed and existing pursuant to Georgia law; and

WHEREAS, the 1983 Constitution of the State of Georgia provides for the self government of municipalities without the necessity of action by the General Assembly¹; and

WHEREAS, the City of Woodstock, Georgia, has the legislative power to adopt clearly reasonable ordinances, resolutions or regulations relating to its property, affairs and local government for which no provision has been made by general law, and which are not inconsistent with the Constitution or any charter provision applicable thereto²; and

WHEREAS, the Mayor and Council of the City of Woodstock have determined that the amendment heretofore resolved is in the best interest of the City and the public welfare of the citizens, environment and public property; and

WHEREAS, Section 2.34(b) of the City Charter of the City of Woodstock provides initial introduction of such amendments prior to adoption at the regular meeting of the Council; and

WHEREAS, the governing authority of the City of Woodstock has read and considered the proposed amendments;

NOW THEREFORE, BE IT RESOLVED AND ORDAINED by the Mayor and Council of the City of Woodstock that the aforesaid amendments have been and shall now and hereafter be maintained for public inspection during the normal business hours at the Woodstock Annex under the custody of the City Clerk of the City of Woodstock; and

NOW THEREFORE, BE IT RESOLVED AND ORDAINED by the City of Woodstock, Georgia, by the lawful authority vested in them that Ch. 66, Peddlers and Solicitors,

¹ Ga. Const., 1983, Article IX, Section II, Paragraph II provides in pertinent part as follows:

"The General Assembly may provide by law for the self government of municipalities and to that end is expressly given the authority to delegate its power so that matters pertaining to the municipalities may be dealt with without the necessity of action by the General Assembly."

² O.C.G.A. §36-35-3(a) provides the following:

"(a) The governing authority of each municipal corporation shall have legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law and which are not consistent with the Constitution or any charter provision applicable thereof. Any such charter provision shall remain in force and effect until amended or repealed as provided in subsection (b) of this Code section. This Code section, however, shall not restrict the authority of the General Assembly, by general law, to define this home rule power further or to broaden, limit, or otherwise regulate the exercise thereof. The General Assembly shall not pass any local law to appeal, modify or supersede any action taken by a municipal authority under this Code section, except as authorized under Code Section 36-36-6".

Article II, Sec. 66-39 of the Woodstock Code of Ordinances shall be amended as follows and that any ordinance in conflict with this amendment shall be repealed:

Sec. 66-39. - Charitable solicitations from a public right-of-way.

(a) Permit required. Any person soliciting funds on the roads and highways within the incorporated portions of the City of Woodstock shall have a permit issued by the governing authority of the City of Woodstock.

(b) Eligibility. Permits for soliciting funds on the roads and highways within the incorporated portions of the City of Woodstock shall only be issued to those persons or organizations which have a physical office in Cherokee County. Further, permits for soliciting funds on the roads and highways within the incorporated portions of the City of Woodstock shall only be issued to those persons or organizations which are "charitable organizations" registered in accordance with O.C.G.A. § 43-17-5, or "charitable organizations" exempt from such registration in accordance with O.C.G.A. § 43-17-9. "Charitable organizations" as used herein shall have the meaning as defined in O.C.G.A. § 43-17-2. The determination of whether the organizations have a physical office in Cherokee County shall be made by the staff issuing the permit based on documentation provided by the organization and documentation available on the Georgia Secretary of State's website and shall be appealable to the City Manager. In the event the City Manager upholds the decision to deny the permit, the City Manager's decision shall be appealable to the Mayor and Council in the same manner as is set out in Section 10.162 of the Land Development Code of the City of Woodstock.

(c) Application. Applicants for charitable solicitation permits shall make application with the City of Woodstock Development Services Office, and shall provide the following information at the time of their application:

- (1) Safety plans detailing safety measures to be utilized during solicitation;
- (2) The site of any proposed solicitation and traffic plans which indicate that their proposed solicitation will not hinder the free and orderly flow of traffic on the roads and highways in the City of Woodstock;
- (3) List of names, dates of birth, next of kin, emergency contact numbers, and address of each individual who will participate in the proposed solicitation;
- (4) Insurance information on the individuals and the organization which will participate in the solicitation;
- (5) A statement under oath that the organization is a charitable organization and that all proceeds raised will be used for the benefit of citizens to include those of the city; and
- (6) The dates and times proposed for the solicitation.

(d) Issuance. Permits shall only be issued by the City of Woodstock Development Services Office if he or she finds that the applicant is qualified and that the proposed solicitation shall not:

- (1) Pose a risk to the health and safety of the citizens of the city;


- (2) Pose a risk to the health and safety of the people participating in the solicitation; and
- (3) Hinder the free flow of traffic on the roads and highways of the city.
- (e) No one under the age of 18 shall solicit funds in any way from the right-of-way or driving surface of any road or highway in the city.
- (f) Solicitation permits must be available for inspection at the site of the solicitation upon the request of any law enforcement officer.
- (g) All persons participating in the solicitation of funds shall in some manner clearly and visibly identify the organization that is permitted to solicit funds and the organization for which they are soliciting funds.
- (h) All persons participating in the solicitation of funds shall wear orange safety vests at all times while located in the roads and rights-of-way of the city.
- (i) Permits are valid for seven calendar days. Solicitation may [be] between the hours of 9:00 a.m. and 5:00 p.m.
- (j) Variances to time limits for charitable solicitation permits shall only be granted by a majority vote of the city council after a showing by the applicant of the necessity of a variance.
- (k) Any references to the Official Code of Georgia used herein shall be deemed to be to the same as they are

First Reading: April 11, 2016

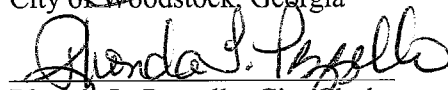
Second Reading:

April 25, 2016

APPROVED, ADOPTED, AND ENACTED this 25th day of April, 2016.



Donnie Henriques, Mayor
City of Woodstock, Georgia



Rhonda L. Pezzello, City Clerk
City of Woodstock, Georgia

(Municipal Seal)

Reviewed and Approved by the City Attorney